

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Respondent,)	
)	CRIMINAL NO. 08-0067-CG-N
)	
)	CIVIL ACTION NO. 11-0216-CG-N
PAUL ANTONIO BURKE,)	
)	
Defendant/Petitioner,)	

ORDER

After due and proper consideration of all pleadings in this file, and a de novo determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 is adopted as the opinion of this Court.

It is **ORDERED** that the government's Motion to Dismiss is **GRANTED**, that petitioner's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 is DISMISSED with prejudice, and that petitioner is not entitled to issuance of a certificate of appealability or an order granting leave to appeal the judgment in this case in forma pauperis.

DONE and **ORDERED** this the 16th day of September, 2011.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE